

**Notice of Allowability**

Application No.

10/823,524

Examiner

Victor K. Hwang

Applicant(s)

EKHAUS, IRA

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and remarks filed January 17, 2006.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060130.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on January 30, 2006, Mr. Daniel Sheridan requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 03-1240 the required fee of \$60.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

**In the Claims, replace Claims 9 and 17 with the following:**

9. (Currently Amended) An adjustable kettlebell, comprising:

a handle having a grip section with a grip section axis, two or more attachment members extending from the handle, a support bar, wherein the support bar is configured to support at least one weight plate between the attachment members, at least one weight stack, wherein the two or more attachment members are configured as blade-like attachment members formed from a springy material to be deformable between a first position and a second position with a resilient mechanical compliance with respect to the handle and said supporting bar is aligned along a weight plate axis ~~and said support bar is configured to support at least one weight plate between the attachment members,~~ nominally parallel to the axis of the grip-section of the handle; and wherein said

attachment members are configured to provide an adjustable distance between the grip section and the weight plate axis.

17. (Currently Amended) An adjustable kettlebell, comprising:

a handle with a grip section having a grip section axis, two or more attachment members, a support bar, at least one weight stack, wherein the two or more attachment members are configured as blade-like attachment members formed from a springy material to be deformable between a first position and a second position with a resilient mechanical compliance with respect to the handle and said ~~supporting~~ support bar is aligned along a weight plate axis, which is nominally parallel to a handle grip-section axis and support bar is configured to support at least one weight plate between the attachment members; and wherein said two or more attachment members are configured to provide an adjustable distance between the grip section and the plate axis, and wherein said two or more attachment members are flexibly configured to clamp tightly against weight stack of different widths.

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose, teach or make obvious a kettlebell comprising a pair of attachment members that extend from a handle, the attachment members configured as blade-like members formed of a springy material so that the attachment members are deformable between two distinct positions with a resilient mechanical compliance with respect to the handle, and the support is configured to support at least one weight plate between the attachment members. *Wood* discloses

attachment members of wire bail material (Fig. 5) and the leather attachment members (Figs. 1, 3 and 4) do not have a resilient mechanical compliance with respect to the handle. *Schwartz '526* and *Schwartz '618* are not configured to support weight plates on the support bar between the attachment members.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang  
January 30, 2006



Stephen K. Cronin  
Primary Examiner